

1 AN ACT relating to orders of restitution and forfeiture following a criminal  
2 conviction of cruelty to animals in the second degree.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 525.130 is amended to read as follows:

5 (1) A person is guilty of cruelty to animals in the second degree when except as  
6 authorized by law he intentionally or wantonly:

7 (a) Subjects any animal to or causes cruel or injurious mistreatment through  
8 abandonment, participates other than as provided in KRS 525.125 in causing  
9 it to fight for pleasure or profit (including, but not limited to being a spectator  
10 or vendor at an event where a four (4) legged animal is caused to fight for  
11 pleasure or profit), mutilation, beating, torturing any animal other than a dog  
12 or cat, tormenting, failing to provide adequate food, drink, space, or health  
13 care, or by any other means;

14 (b) Subjects any animal in his custody to cruel neglect; or

15 (c) Kills any animal other than a domestic animal killed by poisoning. This  
16 paragraph shall not apply to intentional poisoning of a dog or cat. Intentional  
17 poisoning of a dog or cat shall constitute a violation of this section.

18 (2) Nothing in this section shall apply to the killing of animals:

19 (a) Pursuant to a license to hunt, fish, or trap;

20 (b) Incident to the processing as food or for other commercial purposes;

21 (c) For humane purposes;

22 (d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

23 (e) For purposes relating to sporting activities, including but not limited to horse  
24 racing at organized races and training for organized races, organized horse  
25 shows, or other animal shows;

26 (f) For bona fide animal research activities of institutions of higher education; or  
27 a business entity registered with the United States Department of Agriculture

1 under the Animal Welfare Act or subject to other federal laws governing  
2 animal research;

3 (g) In defense of self or another person against an aggressive or diseased animal;

4 (h) In defense of a domestic animal against an aggressive or diseased animal;

5 (i) For animal or pest control; or

6 (j) For any other purpose authorized by law.

7 (3) Activities of animals engaged in hunting, field trials, dog training other than  
8 training a dog to fight for pleasure or profit, and other activities authorized either by  
9 a hunting license or by the Department of Fish and Wildlife shall not constitute a  
10 violation of this section.

11 (4) Cruelty to animals in the second degree is a Class A misdemeanor.

12 (5) If a person is convicted of or pleads guilty to an offense under subsection (1) of  
13 this section arising from the person's treatment of an equine, the court may  
14 impose one (1) or both of the following penalties against the person, in addition  
15 to fines and imprisonment:

16 (a) An order that the person pay restitution for damage to the property of others  
17 and for costs incurred by others, including reasonable costs, as determined  
18 by agreement or by the court after a hearing, incurred in feeding,  
19 sheltering, veterinary treatment, and incidental care of any equine that was  
20 the subject of the offense resulting in conviction; or

21 (b) An order terminating or imposing conditions on the person's right to  
22 possession, title, custody, or care of any equine that was the subject of the  
23 offense resulting in conviction.

24 If a person's ownership interest in an equine is terminated by a judicial order  
25 under paragraph (b) of this subsection, the court may order the sale, conveyance,  
26 or other disposition of the equine that was the subject of the offense resulting in  
27 conviction.